IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: J.C. Beman et al.   Attorney Docket No.: MSFT117256

Application No.: 09/943,609   Art Unit: 3622 / Confirmation No: 1937

Filed: August 29, 2001   Examiner: D. Lastra

Title: SYSTEM AND METHOD FOR ESTIMATING
                AVAILABLE PAYLOAD INVENTORY

<div align="center">RESPONSE TO OFFICE ACTION</div>

<div align="right">Seattle, Washington 98101

October 1, 2007</div>

TO THE COMMISSIONER FOR PATENTS:

This paper is filed in response to the Office Action mailed May 1, 2007 (hereinafter "Office Action"). Claims 1-15 and 18-49 are currently pending in the application and stand rejected. Specifically, Claims 1, 2, 8, 9, 13-15, 18-20, 24, 25, 31-36, 40-43, and 49 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2002/0042821, to Muret et al. (hereinafter " Muret et al."). Claims 10-12, 21-23, and 37-39 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Muret et al. in view of International Patent Publication No. 01/001318 (hereinafter "Thurston"). Claims 3-7, 26-30, and 44-48 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Muret et al. in view of Thurston. Pursuant to 37 C.F.R. § 1.111 and for the reasons set forth below, applicants respectfully request reconsideration and allowance of this application.

Rejection of Claims 1, 2, 8, 9, 13-15, 18-20, 24, 25, 31-36, 40-43, and 49 Under 35 U.S.C. § 102(e)

To establish a prior art rejection under 35 U.S.C. § 102, a "claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California,* 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed Cir. 1987). Moreover, "the identical invention must be shown in as complete detail as is contained in the . . . claim." *Richardson v. Suzuki Moto Co.,* 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed Cir. 1989).

Independent Claims 1, 18, and 34

Claims 1, 18, and 34 were rejected under 35 U.S.C. § 102(e) as being anticipated by Muret et al. Applicants respectfully disagree for the reasons set forth below.

For example, Claim 1 recites, in its entirety:

> 1. A method for processing payload requests, the method comprising:
> obtaining **a set of criteria** for delivering at least one payload, the set of criteria including one or more criterion;
> **generating a set of arrays corresponding to each criterion** in the set of criteria, wherein each array in the set of arrays includes a plurality of array elements corresponding to periods of time;
> **obtaining a request for a payload, the payload request including a set of requests having one or more criterion** wherein the payload request is associated with a time; and
> incrementing a numerical identifier in the plurality of array elements corresponding to the time associated with the payload request. (Emphasis added.)

Despite the assertions made in the Office Action, Muret et al. does not teach or suggest generating a set of arrays corresponding to each criterion in the set of criteria for delivering a payload, as recited in Claim 1. It is asserted in the Office Action that Muret et al. teach at paragraph 0252 "obtaining *a set of criteria* for delivering at least one payload" and at paragraph 0055 "generating a set of arrays *corresponding to each criterion*." (Emphasis added.) Paragraph 0252 of Muret et al. discloses correlating money to "keywords, banner ads, search engines referrals, domains, countries, browsers, platforms or any other parameter of interest." Accordingly, it appears that such "parameters of interest" are being equated in the Office Action to the "criteria" recited in Claim 1. If Muret et al. were to teach every element of Claim 1, it would be necessary for Muret et al. to also teach "generating a set of arrays corresponding" to each such parameter of interest. However, this is not the case. Muret et al. discloses at paragraph 0055 a "log engine 200" that "reads each line in each of the log files 510 and separates each line into its individual parts, . . . such as IP address, timestamp, bytes sent, status code, etc." Muret et al. does not disclose in paragraph 0055 or elsewhere that the log files or the lines of the

log files (which appear to be equated in the Office Action to arrays or sets of arrays) correspond in any way to the parameters of interest later described in Muret et a. at paragraph 252 as correlated with money.

It is also asserted in the Office Action that Muret et al. at paragraph 0055 teach "generating *a set of arrays* corresponding to each criterion." (Emphasis added.) As noted above, paragraph 0055 discloses "a log engine 200" that "reads each line in each of the log files 510 and separates each line into its individual parts, . . . such as the IP address, timestamp, bytes sent, status code, etc." Accordingly, it appears that such log files are being equated in the Office Action to the set of arrays recited in Claim 1, and that either the log file itself or each line of a log file are being equated to an array. Regardless the interpretation, those skilled in the art appreciate that a log file is not the same as an array or a set of arrays and that a line of a log file is not the same as an array. In addition, separating each line in a log file into its individual parts is not the same as generating a set of arrays corresponding to each criterion in the set of criteria, especially if the criteria are equated, as they appear to be in the Office Action, to parameters of interest, such as keywords, banner ads, etc. As noted above, Muret et al. simply do not disclose any correspondence between these parameters of interest and the lines of the log file or the individual parts of the lines.

Finally, it is asserted in the Office Action that Muret et al. teach in Figures 24 and 28 "*obtaining a request* for a payload, the payload request including a set of requests *having one or more criterion*," as recited in Claim 1. (Emphasis added.) However, Muret et al. merely disclose, in Figures 24, Figure 28 and the accompanying text, *reports* of user activity. Specifically, Figure 24 in Muret et al. illustrates an example of a visitor footprint report 2100 created by the system 100. The visitor footprint report 2100 contains detailed information on activities of a visitor. (Muret et al., paragraph 0223.) Figure 28 in Muret et al. shows a preferred browser-based user interface 4000 including a main reporting window 4100 for displaying a currently chosen report. (Muret et al., paragraph 0255.) Visitor footprint report 2100 and user

interface 4000 for viewing reports are not the same as a request for a payload. Additionally, Muret et al. does not teach or suggest a payload request including a set of requests having one or more criterion, as recited in Claim 1. Therefore, Claim 1 is submitted to be allowable for at least the reasons discussed above.

Independent Claims 18 and 34 include similar recitations as Claim 1 and thus, are submitted to be allowable for at least the same reasons discussed above with respect to Claim 1.

Dependent Claims 2, 8-9, 13-15, 19-20, 24-25, 31-33, 35-36, 40-43, and 49

Claims 2, 8-9, and 13-15 depend from independent Claim 1, Claims 19-20, 24-25, and 31-33 depend from independent Claim 18, and Claims 35-36, 40-43, and 49 depend from independent Claim 34. Therefore, these dependent claims are submitted to be allowable for at least the same reasons discussed above with respect to their respective independent claims. In addition, these claims include a myriad of recitations not taught, disclosed or suggested by Muret et al. or the remaining cited references. For example, Claims 14 and 42 recite that "each array in the set of arrays includes 168 array elements." Although paragraph 0260 and Figure 28 are cited in the Office Action in support of the rejection of Claims 14 and 42, closer inspection of the paragraph 0260 and Figure 28 reveals that no disclosure is made whatsoever of "array elements," not to mention "168 array elements." Accordingly, applicants respectfully submit that Claims 2, 8-9, 13-15, 19-20, 24-25, 31-33, 35-36, 40-43, and 49 are allowable for at least these additional reasons.

Rejection of Claims 3-7, 10-12, 21-23, 26-30, 37-39, and 44-48 Under 35 U.S.C. § 103(a)

To establish a *prima facie* case for obviousness under 35 U.S.C. § 103, three basic criteria must be met. First, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Second, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the reference teachings. Finally, there must be a reasonable expectation of success. M.P.E.P. § 2142.

Dependent Claims 10-12, 21-23, and 37-39

Claims 10-12, 21-23, and 37-39 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Muret et al. in view of Thurston. Applicants respectfully disagree for the reasons set forth below.

Claims 10-12, 21-23, and 37-39 depend from independent Claims 1, 18, and 34, respectively. Therefore, these claims are submitted to be allowable for at least the same reasons discussed above with respect to their respective independent claims. In addition, applicants note that Claims 12, 23, and 29, for example, further recite that "the set of payload criteria includes one or more keywords." Paragraph 0271 of Muret et al. is cited in the Office Action in support of the rejection. However, paragraph 0271 merely states that the "Search Engines report 4500 contains a tree-type list of the most used search engines" and that "each search engine can then be expanded to see which keywords were used during those searches." Muret et al. does not disclose that such keywords correspond to anything in a log file, which, as noted above, appears to be equated in the Office Action to the set of arrays recited in the independent claims. Since Claims 12, 23, and 29, when taken in the context of their respective independent claims, recite that each criterion in the set of payload criteria correspond to the set of arrays, it becomes evident that Muret et al. does not teach or suggest the recitations of Claims 12, 23, and 29. Accordingly, applicants respectfully submit that Claims 10-12, 21-23, and 37-39 are allowable for at least these additional reasons.

Dependent Claims 3-7, 26-30, and 44-48

Claims 3-7, 26-30, and 44-48 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Muret et al. in view of Thurston. Applicants respectfully disagree for the reasons set forth below.

Claims 3-7, 26-30, and 44-48 depend from independent Claims 1, 18, and 34, respectively. Therefore, these claims are submitted to be allowable for at least the same reasons discussed above with respect to their respective independent claims. In addition, these claims
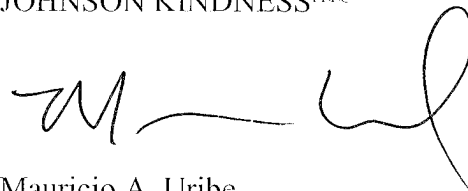
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include a number of recitations not taught, disclosed or suggested by Muret et al. or the remaining cited references, either alone or in combination. Accordingly, applicants respectfully submit that Claims 3-7, 26-30, and 44-48 are allowable.

CONCLUSION

In view of the foregoing amendments and remarks, applicants submit that the above-referenced patent application is in condition for allowance. Reconsideration and reexamination of the application and allowance of the claims (Claims 1-15 and 18-49) are solicited. If the Examiner has any questions, the Examiner is invited to contact the undersigned at the number provided below.

Respectfully submitted,

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